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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/697,858	10/27/2000	Alfred R. DeAngelis	5048	6761

7590 07/17/2006

Milliken & Company  
P. O. Box 1927  
Spartanburg, SC 29304

EXAMINER

BEFUMO, JENNA LEIGH

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/697,858	DEANGELIS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jenna-Leigh Befumo	1771	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The Amendment submitted on June 14, 2006, has been entered. Claim 1 has been amended. Therefore, the pending claims are 1 – 12 are pending.
2. The 35 USC 103 rejection based on Rock et al. (6,373,034) and Gould (4,061,827) is withdrawn since one of ordinary skill would not produce a sheath core fiber with a core comprising multifilament or staple fibers and a sheath coated or extruded onto the fibrous core.
3. The double patenting rejection over US Application 10/423,212 is withdrawn since that case has been issued as US Patent 6,720,539, which was already included in the previous double patenting rejections. The rejection should have been over US Application 10/423,575 which is now rejected below.

### ***Double Patenting***

4. Claims 1 – 8 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 – 12 of U.S. Patent No. 6,720,539 for the reasons of record.
5. Claims 1 – 12 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 – 7 of U.S. Patent No. 6,497,951 for the reasons of record.
6. Claims 1 – 12 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 – 8 of U.S. Patent No. 6,855,421 for the reasons of record.

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7. Claims 1 – 12 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 – 6 of U.S. Patent No. 6,680,117 for the reasons of record.

8. Claims 1 – 8 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 9 – 31 of copending Application No. 10/424,120 for the reasons of record.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

9. Claims 1 – 12 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/299,154 for the reasons of record.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

10. Claims 1 – 12 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 9 – 18 and 22 – 25 of copending Application No. 10/423,575. Although the conflicting claims are not identical, they are not patentably distinct from each other because the scope of the electrically conductive yarn claimed in 10/423,575 encompasses the scope of the yarn claimed by the present application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Response to Arguments***

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11. Applicant's arguments filed June 14, 2006 have been fully considered but they are not persuasive. The applicant states in the response that the double patenting rejections over US Patents 6,720,539, 6,497,951, 6,855,421, and 6,680,117 are provisional rejections. However, these rejections are not provisional since the rejection is based on a US Patent and not a US application. Therefore, these double patenting rejections must be addressed before the claims are allowable. Since the applicant has not argued or disagreed with the double patenting rejections set forth above, it is presumed that the applicant has conceded the rejections and will file a terminal disclaimer to overcome these rejections.

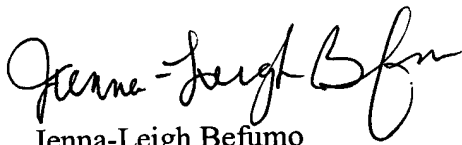
#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenna-Leigh Befumo whose telephone number is (571) 272-1472. The examiner can normally be reached on Monday - Friday (8:00 - 5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Jenna-Leigh Befumo". The signature is fluid and cursive, with the first name "Jenna" and last name "Befumo" clearly distinguishable.

Jenna-Leigh Befumo  
July 11, 2006